

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LONG CHEN,

Plaintiff,
-against-

CITY OF NEW YORK,

Defendant.

23-CV-2383 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who was detained in the Anna M. Kross Center on Rikers Island when he filed this complaint, is proceeding *pro se* and *in forma pauperis* (IFP). By order dated June 12, 2023, the Court granted Plaintiff leave to file an amended complaint to address deficiencies in his original pleading. The Clerk's Office mailed that order to Plaintiff on June 14, 2023, but it was returned as undeliverable on July 7, 2023. Plaintiff has failed to notify the court of a change of mailing address and has not initiated any further contact with the court, written or otherwise.

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); *see Fields v. Beem*, No. 13-CV-0005 (GTS/DEP), 2013 WL 3872834, at *2 (N.D.N.Y. July 24, 2013) ("A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff's complaint.") (collecting cases).

Accordingly, the Court directs Plaintiff to update his address of record within 30 days of the date of this order. Should Plaintiff fail to comply with this order, the Court will dismiss the action without prejudice for failure to prosecute.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: July 17, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge